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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,578	11/06/2001	George A. Polk	16159.029001; P6714	8673
22511	7590	09/08/2004	EXAMINER	
OSHA & MAY L.L.P. 1221 MCKINNEY STREET HOUSTON, TX 77010			CHU, GABRIEL L	
			ART UNIT	PAPER NUMBER
			2114	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/993,578	Applicant(s) POLK, GEORGE A.	
	Examiner Gabriel L. Chu	Art Unit 2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 and 21-31 is/are allowed.
- 6) ☒ Claim(s) 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6507855 to Stern. Referring to claim 13, Stern discloses locating an embedded example in documentation (From the abstract, "A system and method are disclosed for creating or modifying a documentation output object that describes a portion of computer code." Further, from line 26 of column 5, "Documentation input may be provided in the form of tags as described in operation 102. A particular tag may be associated with relevant documentation information that describes a corresponding code portion. Alternatively, a particular tag may be associated with another group of tags that are each associated with relevant documentation information portions, and the particular tag may describe how to process the documentation information portions."); and delineating the embedded example with a start tag and a closing tag chosen from a tag set (From figure 2a, edt and edt_end.).

3. Referring to claim 14, Stern discloses embedding a control statement as part of the embedded example (From figure 2a, for example, "Chapter determines where in the final document the API item will be listed.").

4. Referring to claim 15, Stern discloses embedding a file location statement as part of the embedded example (From figure 2a, "If tagname appears on the line, then docx will open the file called 'filename', and will search for the line containing <tagname>.").

5. Referring to claim 16, Stern discloses locating an embedded example in documentation (From the abstract, "A system and method are disclosed for creating or modifying a documentation output object that describes a portion of computer code." Further, from line 26 of column 5, "Documentation input may be provided in the form of tags as described in operation 102. A particular tag may be associated with relevant documentation information that describes a corresponding code portion. Alternatively, a particular tag may be associated with another group of tags that are each associated with relevant documentation information portions, and the particular tag may describe how to process the documentation information portions."); delineating the embedded example with a start tag and a closing tag chosen from a tag set (From figure 2a, `edt` and `edt_end`.); embedding a control statement as part of the embedded example (From figure 2a, for example, "Chapter determines where in the final document the API item will be listed."); and embedding a file location statement as part of the embedded example (From figure 2a, "If tagname appears on the line, then docx will open the file called 'filename', and will search for the line containing <tagname>.").

6. Claims 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6620204 to Malcolm. Referring to claim 17, Malcolm discloses examining an extracted example (From line 43 of column 10, "FIG. 5A depicts a process for automated generation of HTML test pages for server-side objects in accordance with a preferred embodiment of the present invention. As described above, in cases where objects reflect an external data structure such as a database, the data structures may be analyzed..."); interpreting a tag located within the extracted example (From line 48 of column 10, "and, from an understood rule base, property names for data fields in the database structure may be identified."); and aggregating constituent parts using the interpretation of the tag (From line 23 of column 3, "Data values are entered in the data structures according to a current external database structure.").

7. Referring to claim 18, Malcolm discloses the extracted example is an embedded example copied from documentation (From line 7 of column 11, "Objects and their properties are simply internal data processing system representations of data. In testing the automatically generated objects, the ability to "dump" the contents of the object (i.e. the property names and their values) into some humanly readable form is required. Thus, in the process of auto-generating the dictionary and constructors, an HTML page for each object which will display the contents in formatted HTML may also be auto-generated.").

8. Referring to claim 19, Malcolm discloses the tag is interpreted using a defined tag set (From line 48 of column 10, "and, from an understood rule base, property names for data fields in the database structure may be identified.").

9. Referring to claim 20, Malcolm discloses the constituent parts are derived from the extracted example and a source file (From line 23 of column 3, "Data values are entered in the data structures according to a current external database structure.").

Allowable Subject Matter

10. Claims 1-12 and 21-31 are allowed.

11. The following is an examiner's statement of reasons for allowance: Referring to claims 1-12 and 21-32, the prior art does not teach or fairly suggest extracting the embedded example from documentation and creating a test suite from the embedded example, in the scope and context of claims 1, 12, 21, 30, and 31.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5987251 to Crockett et al.

US 6185701 to Marullo et al.

US 6480865 to Lee et al.

US 6516322 to Meredith

US 6591417 to Stryniewicz et al.

US 6594823 to Corbin et al.

US 6647544 to Ryman et al.

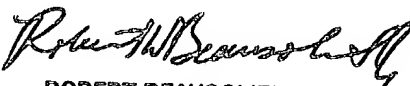
US 6675370 to Sundaresan

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel L. Chu whose telephone number is (703) 308-7298, and after approximately October 15, 2004 will be (571) 272-3656. The examiner can normally be reached on weekdays between 8:30 AM and 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W. Beausoliel, Jr. can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gc


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